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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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C.D.S. INC.,

Plaintiff,

- against-

BRADLEY ZETLER, *et al.*,

Defendants.
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ORDER

16-CV-3199 (VM) (JLC)

JAMES L. COTT, United States Magistrate Judge.

The Court has received defendants' letter-motion dated November 9, 2016 (Dkt. No. 140) in which they seek to have the Court quash two subpoenas, one to the law firm Morrison Cohen LLP and the other to the accounting firm EisnerAmper LLP, pursuant to Rule 45(d) of the Federal Rules of Civil Procedure, or alternatively issue a protective order under Rule 26(c) forbidding the discovery sought by these subpoenas.

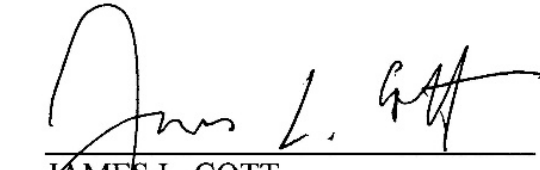
Each of these subpoenas was issued on October 24. The Morrison Cohen subpoena is returnable on November 14, with a deposition noticed for that day, while the EisnerAmper subpoena is returnable on November 15, with a deposition noticed for that day. Because tomorrow, November 11, is Veterans Day and therefore a court holiday, and because the Court's rules allow the respondent to a discovery letter to have two business days to respond to a letter-motion of the kind that defendants have filed here (Court's Ind. Rule II.B.1), there is simply insufficient time to adjudicate this dispute before the dates that these subpoenas are returnable. Moreover, defendants' letter-motion raises serious questions of privilege law.

Accordingly, the Court directs that the depositions of the representatives of Morrison Cohen and EisnerAmper be adjourned until the Court has resolved the pending dispute. To that end, the Court directs plaintiff to submit its response to the letter-motion no later than **November**

14. The Court will then consider the issues presented at the previously-scheduled status conference on November 18 at 10 a.m. If the Court orders that either or both of the Morrison Cohen and EisnerAmper depositions may proceed, they will be rescheduled sometime after November 18. If representatives from either Morrison Cohen or EisnerAmper wish to be heard with respect to these subpoenas, they are invited to attend and participate at the November 18 proceeding. Counsel for the parties are directed to provide the third-parties with a copy of this Order.

SO ORDERED.

Dated: New York, New York
November 10, 2016



JAMES L. COTT
United States Magistrate Judge